

MAY 18 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STEPHEN PARKER GARDNER,

Defendant-Appellant.

No. 05-50822

D.C. No. CR-04-02605-TJW

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Thomas J. Whelan, District Judge, Presiding

Submitted May 15, 2006 **

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Stephen Parker Gardner appeals the district court's denial of his pre-trial motion for release of seized assets. Because we lack jurisdiction, we dismiss.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, appellant's request for oral argument is denied.

05-50822

Our jurisdiction is generally limited to “final decisions of the district courts.” 28 U.S.C. § 1291. Appellant is, in essence, seeking mandamus to compel the district court to hold a hearing to which he is not entitled. *See United States v. Consiglio*, 866 F.2d 310, 311 (9th Cir. 1989).

DISMISSED.